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for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

JEAN KAHN,

Defendant.

Adv. Pro. No. 10-05429 (CGM)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL  
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq. ("SIPA"), and the substantively consolidated estate of Bernard L. Madoff individually ("Madoff"), by and through his counsel, Baker & Hostetler LLP, and defendant Jean Kahn ("Defendant"), by and through her counsel, Lax & Neville, LLP (collectively, the "Parties"), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed the Complaint against Defendant [Dkt. No. 1].
2. On April 17, 2014, Defendant filed a motion to dismiss this adversary proceeding [Dkt. No. 31] pursuant to Federal Rule of Civil Procedure 12(b)(6), made applicable by Bankruptcy Rule 7012. Pursuant to the Avoidance Procedures in the November 10, 2010 Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order [Adv. Pro. No. 08-01789 (CGM) ("Madoff Docket") Dkt. No. 3141], upon the filing of a Rule 12(b)(6) motion, the issues raised in such motion, together with the issues raised in the Complaint, were immediately referred to mediation.
3. Pursuant to the Settlement Procedures Order entered by this Court on November 12, 2010 [Madoff Dkt. No. 3181], the Parties entered into a Settlement Agreement and Release on June 16, 2021.
4. Pursuant to the terms of the Settlement Agreement and Release, and in accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendant in the above-captioned adversary proceeding and dismissal of the adversary proceeding with prejudice, with all Parties to bear their own attorneys' fees and costs.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: June 29, 2021  
New York, New York

Of Counsel:

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LLC and the Chapter 7 Estate of Bernard L.  
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*Attorneys for Defendant*

**SO ORDERED.**

**Dated: July 16, 2021  
Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

**Hon. Cecelia G. Morris  
Chief U.S. Bankruptcy Judge**